REGULAR MEETING OF THE CITY COUNCIL, CITY OF CULVER CITY CALIFORNIA

February 22, 2010
5:30 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:30 p.m.

Present: Andrew Weissman, Mayor
Christopher Armenta, Vice Mayor
D. Scott Malsin, Councilmember
Micheál O'Leary, Councilmember
Gary Silbiger, Councilmember

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Closed Session

The City Council will adjourn to Closed Session to discuss the following items:

CS-1 Public Employee Appointment
Title: City Manager
Pursuant to Government Code Section 54957

CS-2 Public Employee Appointment
Title: Fire Chief
Pursuant to Government Code Section 54957

CS-3 Public Employment
Title: City Manager
Pursuant to Government Code Section 54957

CS-4 Conference with Labor Negotiator
Agency designated representative: Human Resources Director Serena Wright
Employee organizations: City Manager
Pursuant to Government Code Section 54957.6

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Recess

The City Council recessed to Closed Session at 5:30 p.m.

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Reconvene

The City Council reconvened its meeting at 7:22 p.m., with all Councilmembers present.

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Closed Session Report

Mayor Weissman indicated that there was nothing to report from closed session and noted that the City Council would recess back into closed session at the end of the evening. He also noted that he had not participated in Closed Session Item CS-1 on the Redevelopment Agency agenda.

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Invocation/Pledge of Allegiance

The Invocation was given by Mark Scott, City Manager and the Pledge of Allegiance was led by Roger Maxwell.

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Added Item

At this time, Carol Schwab, City Attorney, advised the City Council that they would need to add an item to the agenda that arose subsequent to the posting of the agenda. This was per Government Code Section 54954.2(b). The agenda item title is: Consideration of an Amendment to the Employment Agreement of Mark Scott, City Manager.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER SILBIGER, AND UNANIMOUSLY CARRIED TO CONSIDER ADDING AN ITEM ON THE AGENDA.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER SILBIGER AND UNANIMOUSLY CARRIED TO PUT CONSIDERATION OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT OF MARK SCOTT, CITY MANAGER ON THE AGENDA.

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Presentation

Item P-1

A Presentation Related to Conditions in Haiti.

Martin Cole, Assistant City Manager/City Clerk, reported that a representative from Operation USA was unable to attend and that presentation of the commendation would have to be postponed.

Discussion ensued between the City Council and staff regarding staff efforts to broaden the agenda item; City and community aid efforts; Operation USA as a resource for humanitarian aid; information on other relief organizations; getting information from Operation USA; a suggestion to post a link on the City website with information on how to donate; the National League of Cities; continuing efforts and long-term relief work; and organizations in the City to help with medical care.

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Public Comment – Items Not on the Agenda.

At this time, Alice Prasad, Associate Analyst, reported that a speaker card had been submitted for Redevelopment Agency Closed Session Item CS-1 [Conference with Real Property Negotiators re: 4043 Irving Place].

Mayor Weissman recused himself and left the dais.

Cary Anderson expressed concern with the status of 4043 Irving Place and he questioned what was being negotiated as he thought the issue had been previously resolved.

Discussion ensued between the City Council and staff regarding clarification that new issues had come up but entitlements remain as they were; a suggestion to provide a general explanation to the public; involving the public earlier on in the process; and a suggestion to have the City Council discuss what is appropriate to report during closed session and report back after that.

Mayor Weissman returned to the dais.

Public participation continued:

Sandra Kallander objected to the switch to the Camphor Tree on Baldwin Avenue and she discussed the process for selection and proposed trees.

Roger Maxwell discussed Google's plan for having cities go broadband; he distributed an article to the City Council; and he wanted to see Culver City be aggressive in pursuing broadband for the City.

Responding to Roger Maxwell's comments, Mark Scott, City Manager, discussed the City's response; Google's marketing efforts; skepticism as to claims being made by Google; and a suggestion to link Westside cities together.

Robert Zirgulis reported on demonstrations against red light cameras; he expressed safety concerns with the cameras; asserted that the cost of the tickets was excessive and noted that the City received a very small portion of the fee; and he suggested that the City issue their own tickets to reap the entire revenue and lower the fee.

Mark Tilford expressed concern with the growth of the state deficit and announced that he was proposing the Citizen Legislature Act of 2010: Californians for a Part Time Legislature.

Martin Cole, Assistant City Manager/City Clerk, clarified that Mr. Tilford could not solicit signatures in City Hall.

Cary Anderson discussed the launch of the new Culver City Connect Mobile Application; he expressed regret that the City Manager would be leaving and commended him for his actions to address complaints; he discussed the street lights at Farragut between Van Buren and Irving that have been out since October; and he expressed concern with follow-up and broken equipment in Council Chambers.

David Bergman asked that an investigation be conducted regarding an incident involving an allegedly overly aggressive code enforcement officer.

Discussion ensued between the City Council and staff regarding more specific information; following up on complaints; and staff agreement to resolve the code enforcement officer complaint.

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Consent Calendar

Mayor Weissman indicated that Consent Calendar Item C-7 [Acceptance of Work Performed by SuperTrap, Inc. for the Police Firing Range Rehabilitation Project, P-832] would be pulled and returned for consideration at a later date.

Councilmember Silbiger asked that a change be made to the minutes of January 11, 2010. The City Council concurred with his request.

MOVED BY COUNCILMEMBER SILBIGER, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE ITEMS C-1 AND C-2.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE MEETING MINUTES FOR THE REGULAR MEETING OF JANUARY 11, 2010 AS AMENDED, THE REGULAR MEETING OF JANUARY 25, 2010, AND THE ADJOURNED REGULAR MEETING OF FEBRUARY 1, 2010.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FROM JANUARY 30 - FEBRUARY 12, 2010.

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Consent Calendar - continued

Item C-3

Approve an Amendment to the Existing Professional Services Agreement with Philip R. Levine and Judy A. Sherman for Services as Parking Citation Administration Hearing Examiners

Mayor Weissman invited public participation.

The following member of the audience addressed the City Council:

Cary Anderson discussed issues with parking ticket hearings, inappropriate citations and other parking issues; he reported concerns with enforcement and priorities; and he questioned how many hearings resulted in citations being thrown out.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH PHILIP R. LEVINE AND JUDY A. SHERMAN EXTENDING THE TERM OF THE AGREEMENT TO DECEMBER 31, 2011 (WITH ONE ADDITIONAL TWO YEAR EXTENSION OPTION UPON
2. AGREEMENT OF BOTH PARTIES) AND REFLECTING THE CHANGE TO THE PER-HEARING FEE AS NOTED IN THE STAFF REPORT;

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS;

4. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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February 22, 2010

Item C-4

Adopt an Ordinance Amending Section 11.12.010.B of the Culver City Municipal Code to Ratify and Memorialize the Intent of the Review Process Used for Issuance of Oil Drilling Permits

Mayor Weissman invited public participation.

The following member of the audience addressed the City Council:

Robert Zirgulis expressed concern with the City's opposition to oil drilling and he suggested having a dialogue with PXP instead of a lawsuit.

Alice Prasad, Associate Analyst, read written comments submitted by:

Sandra Kallander
Dee Seehusen

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 2010-001 AMENDING SECTION 11.12.010.B OF THE CULVER CITY MUNICIPAL CODE TO RATIFY AND MEMORIALIZE THE INTENT OF THE REVIEW PROCESS USED FOR ISSUANCE OF OIL DRILLING PERMITS.

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Item C-5

Approval of a Professional Services Agreement with Martin & Chapman Co. to Provide Election Services Relating to the City’s General Municipal Election to be Held on Tuesday, April 13, 2010.

MOVED BY COUNCILMEMBER O’LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES CONTRACT WITH MARTIN & CHAPMAN CO. AS THE ELECTION SERVICES PROVIDER FOR THE 2010 GENERAL MUNICIPAL ELECTION AT A COST NOT TO EXCEED $68,000.00;

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND

3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-6

Approval of a Professional Services Agreement with AAA Flag and Banner for Banner Installation and Removal for FY 2010/2011.

Discussion ensued between the City Council and staff regarding concern with privatizing items and cutting back on City employees; concern with quality and accountability; differences in costs for the City to hang the banner vs. the outside contractor; fee waivers; freeing up City employees to do other tasks; efficiencies; the average number of banners put up per installation and per year; whether the City would still have the capability of putting up their own banners; best use of staff time; storage of the banners; clarification that the service is on an as-needed basis; existing Memorandums of Understanding; liability; and the amount of hours necessary.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER O'LEARY, THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH AAA FLAG AND BANNER FOR ON-CALL BANNER INSTALLATION IN AN AMOUNT NOT-TO-EXCEED $25,000 WITH AN EFFECTIVE DATE OF JULY 1, 2010;

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND

3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

AYES: Councilmembers, Malsin, O'Leary, Weissman
NOES: Councilmembers Armenta, Silbiger
ABSTAIN: None
ABSENT: None

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Item C-8

Award of a Contract to Houston & Harris PCS, Inc. as the Lowest Responsive and Responsible Bidder for the Sewer Main CCTV and Condition Assessment (Phase I) Project, P-230.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER SILBIGER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO HOUSTON & HARRIS PCS, INC., AS THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, FOR THE SEWER MAIN CCTV AND CONDITION ASSESSMENT (PHASE I) PROJECT, P-230, IN THE AMOUNT OF $216,497.00;

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN THE AMOUNT NOT TO EXCEED $21,000.00 (10% CONTINGENCY), IF NECESSARY;

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND

4. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-9

Approval of Final Plans and Specifications and Authorization to Advertise Bids for the new Traffic Management Center Component of the Fox Hills Area Traffic Signal Synchronization and Acquisition of a Traffic Control System Project, P-852.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE NEW TRAFFIC MANAGEMENT CENTER COMPONENT OF THE FOX HILLS AREA TRAFFIC SIGNAL SYNCHRONIZATION PROJECT, AND ACQUISITION OF A TRAFFIC CONTROL SYSTEM PROJECT, P-852; AND

2. APPROVE ADVERTISING FOR CONSTRUCTION BIDS FOR THE NEW TRAFFIC MANAGEMENT CENTER COMPONENT OF THE FOX HILLS AREA TRAFFIC SIGNAL SYNCHRONIZATION AND ACQUISITION OF A TRAFFIC CONTROL SYSTEM PROJECT, P-852 FOR BIDS.

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Joint Item

Item J-1

1) Consideration of a Fee Waiver Request for Rental Fees of Parcel B for a Free High Efficiency Toilet Distribution; 2) Designation of the West Basin Free High Efficiency Toilet Distribution as a City-sponsored Event.

Discussion ensued between the City Council and staff regarding clarification that the rental agreement fees should be referred to as a license agreement fee; the number of high efficiency toilets available; the location for the event; and a suggestion that plumbers with business licenses attend.

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL DESIGNATE THE 2010 FREE HIGH EFFICIENCY TOILET DISTRIBUTION AS A CITY-SPONSORED EVENT.

Action Item

Item A-1

(1) Approval of a Professional Service Agreement with Minagar and Associates to provide for the Synchronization and Optimization of the City's Traffic Signal Network and (2) Approval of a Related Budget Amendment.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICE AGREEMENT WITH MINAGAR AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED $249,030.00;

2. APPROVE A BUDGET AMENDMENT FOR $215,000 TO APPROPRIATE THE PROP 1B GRANT FUNDS FOR THE TRAFFIC LIGHT SYNCHRONIZATION PROGRAM (A BUDGET AMENDMENT REQUIRES A 4/5 VOTE);

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND

4. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY (WHICH MAY INCLUDE BUT NOT BE LIMITED TO THE FUNDING AGREEMENT WITH THE STATE).

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Receipt of Correspondence

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE CORRESPONDENCE.

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Recess

Mayor Weissman announced that the Council would recess to Closed Session to discuss Closed Session Items CS-1 through CS-4 on the City Council agenda and Closed Session Item CS-1 on the Redevelopment Agency agenda.

The City Council recessed to Closed Session at 8:41 p.m.

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Reconvene

The City Council reconvened its meeting at 9:38 p.m., with all Councilmembers present.

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Closed Session Report

Mayor Weissman recused himself and left the dais.

Mark Scott, City Manager, reported that the Redevelopment Agency could not make a statement regarding Closed Session Item CS-1 on the Redevelopment Agency agenda, but work would continue at the next meeting and a statement might be possible at that time.

Mayor Weissman returned to the dais.

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Added Item

Consideration of an Amendment to Mark Scott's Employment Agreement.

[This item was added to the agenda at the beginning of the meeting.]

Carol Schwab, City Attorney, summarized proposed changes to the employment agreement with Mark Scott, City Manager including: the termination date of April 14, 2010 with Council ability to terminate the agreement with 72 hours notice after March 5, 2010; although eligible for a salary conversion on March 1, 2010, compensation would not change; and waiver of any entitlement to participate in the City's retiree medical insurance plan.

Mayor Weissman reported that the City Manager had voluntarily agreed to forfeit the right to the salary conversion and waive his rights to the medical benefit.

Carol Schwab, City Attorney, reported that Mr. Scott had also agreed to a 4% salary reduction in October 2009.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER ARMENTA, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH MARK SCOTT, CITY MANAGER.

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Public Comment for Items Not On the Agenda – continued.

No action was taken on this item.

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Items from Staff

No action was taken on this item.

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Items from Council

Items Presented by Councilmember Armenta:

- Requested an update on the Youth Advisory Committee

  Mark Scott, City Manager, agreed to follow-up on the matter.

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Items Presented by Councilmember Silbiger:

- Expressed hope that outstanding agenda items would be considered in March.

  Discussion ensued between the City Council and staff regarding clarification as to which items should be on the agenda; clarification that agenda items regarding public notification and recreational vehicles would come forward in March; status of the proposed sustainability committee item; an item regarding setting priorities planned for the meeting of March 1; and staff time spent on preparation of the budget.

- Expressed concern regarding traffic issues around schools and suggested coordinating a meeting with School Board Members.

  Discussion ensued between the City Council and staff regarding the process of setting up periodic meetings with the School District; and agreement to try to set up a meeting.

- Discussed rankings by the National Bureau of Business Licensing Officials on how open a city government or school board is.

- Received clarification that Mayor Weissman would try to attend the Baldwin Hills Advisory Committee meeting on February 25, 2010.

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Items Presented by Councilmember Malsin:

- Reported attending a conference on Municipal Revenue Enhancement and suggested requiring job site election which allows taxes to be paid to the City for construction materials delivered for large projects as part of the standard conditions for every project unless it is not applicable.

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Items Presented by Mayor Weissman:

- Reported participating in a panel at the Westside Urban Forum with area cities and receiving feedback from the financial and development community present that Culver City is a choice place for development interests.

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Adjournment

There being no further business, at 9:56 p.m., the City Council adjourned its meeting to an Adjourned Regular meeting to be held on March 1, 2010.

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Ela Valladares
DEPUTY CITY CLERK of the City of Culver City, California
EX-OFFICIO CLERK of the City Council, City of Culver City, California

APPROVED April 5, 2010

ANDREW WEISSMAN
MAYOR of the City of Culver City, California